

## **REMARKS**

Claims 1-42 have been cancelled without prejudice or disclaimer. Claims 43-83 are pending. Claims 82-83 have been added. Support for the new claims may be found in the specification at least at paragraph [0021]. No new matter has been added.

### **Claims 61-81 are Allowable**

The Office has rejected claims 61-81, under 35 U.S.C. §101, as not falling within one of the four statutory categories of invention. Office Action, page 2, paragraph 3. Applicants respectfully traverse the rejections. Claim 61 recites that “the first proximity sensor communicates first proximity information via a first network and the second proximity sensor communicates second proximity information via a second network.” Thus, claim 61 recites a first network and a second network, thereby satisfying the condition of a particular apparatus. Claim 61 also recites the use of proximity sensors to acquire proximity zone information. Hence, claim 61 includes allowable subject matter. Claims 62-81 are allowable, at least by virtue of their dependence from claim 61.

### **Claims 43-45, 47, 49, 50, 60, 61, 69-77 and 79-81 are Allowable**

The Office has rejected claims 43-45, 47, 49, 50, 60, 61, 69-77 and 79-81, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,006,833 (“Contractor”). Applicants respectfully traverse the rejections.

The cited portions of Contractor do not disclose or suggest the specific combination of claim 43. For example, the cited portions of Contractor do not disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43.

In contrast to claim 43, the cited portions of Contractor disclose a wireless network and a Public Switched Telephone Network (PSTN) with a database that stores subscriber location information. The subscriber’s location is determined by a location tracking device 304 carried by the subscriber. The location tracking device notifies either the called party’s home phone or work phone, whichever it is in proximity to, of the called party’s location. Thus, the home phone

and the work phone are equipped with receivers 602, 603. Both receivers are connected to the same network, namely the PSTN. Contractor, FIG. 3, and FIG. 6, col. 8, ll. 25-30. The cited portions of Contractor do not disclose or suggest different sensors communicating information to different networks. Thus, the cited portions of Contractor do not disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43. Hence, claim 43 is allowable. Claims 44-45, 47, 49-50, and 60 are allowable, at least by virtue of their dependence from claim 43.

The cited portions of Contractor do not disclose or suggest the specific combination of claim 61. For example, the cited portions of Contractor do not disclose or suggest that a first proximity sensor communicates first proximity information via a first network and a second proximity sensor communicates second proximity information via a second network, as in claim 61.

In contrast to claim 61, the cited portions of Contractor disclose a wireless network and a Public Switched Telephone Network (PSTN) with a database that stores subscriber location information. The subscriber's location is determined by a location tracking device 304 carried by the subscriber. The location tracking device notifies either the called party's home phone or work phone, whichever it is in proximity to, of the called party's location. Thus, the home phone and the work phone are equipped with receivers 602, 603. Both receivers are connected to the same network, namely the PSTN. Contractor, FIG. 3, and FIG. 6, col. 8, ll. 25-30. The cited portions of Contractor do not disclose or suggest different sensors communicating information to different networks. Thus, the cited portions of Contractor do not disclose or suggest that the first proximity sensor communicates first proximity information via a first network and the second proximity sensor communicates second proximity information via a second network, as in claim 61. Hence, claim 61 is allowable. Claims 69-77 and 79-81 are allowable, at least by virtue of their dependence from claim 61.

### **Claims 46 and 51-53 are Allowable**

The Office has rejected claims 46 and 51-53, under 35 U.S.C. §103(a), as being unpatentable over Contractor in view of U.S. Patent Application Publication No. 2002/0113879 (“Battle”). Applicants respectfully traverse the rejections.

Claims 46 and 51-53 depend from claim 43. As explained above, the cited portions of Contractor fail to disclose or suggest at least one element of claim 43. The cited portions of Battle fail to disclose or suggest the elements of claim 43 not disclosed or suggested by the cited portions of Contractor. For example, the cited portions of Battle fail to disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43. In contrast to claim 43, the cited portions of Battle disclose distributing photographs in a network. Battle, [0040]. The cited portions of Battle do not disclose proximity sensors detecting the location of a subscriber and do not disclose a first and second network communicating subscriber location. Thus, the cited portions of Contractor and Battle fail to disclose or suggest at least one element of claim 43, from which claims 46 and 51-53 depend. Hence, claims 46 and 51-53 are allowable.

### **Claim 48 is Allowable**

The Office has rejected claim 48, under 35 U.S.C. §103(a), as being unpatentable over Contractor in view of U.S. Patent Application Publication No. 2002/0000930 (“Crowson”). Applicants respectfully traverse the rejections.

Claim 48 depends from claim 43. As explained above, the cited portions of Contractor fail to disclose or suggest at least one element of claim 43. The cited portions of Crowson fail to disclose or suggest the elements of claim 43 not disclosed or suggested by the cited portions of Contractor. For example, the cited portions of Crowson fail to disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43. In contrast to claim 43, the cited portions of Crowson disclose a locator that combines Global Positioning System (GPS) data with a two way paging system to locate a subscriber. In Crowson, the sources of position data are GPS satellites and a cellular telephone tower. Thus, in Crowson, the cellular phone of the subscriber has a GPS position sensor. Crowson, FIG. 2, [0021]. However, the position data is transmitted to a single network, namely, the cellular network. The cited portions of Crowson fail to disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43. Thus, the

cited portions of Contractor and Crowson fail to disclose or suggest at least one element of claim 43, from which claim 48 depends. Hence, claim 48 is allowable.

**Claims 54-59 are Allowable**

The Office has rejected claims 54-59, under 35 U.S.C. §103(a), as being unpatentable over Contractor in view of U.S. Patent No. 6,389,117 (“Gross”). Applicants respectfully traverse the rejections.

Claims 54-59 depend from claim 43. As explained above, the cited portions of Contractor fail to disclose or suggest at least one element of claim 43. The cited portions of Gross fail to disclose or suggest the elements of claim 43 not disclosed or suggested by the cited portions of Contractor. For example, the cited portions of Gross fail to disclose or suggest that a first proximity sensor communicates via a first network to a communication module and a second proximity sensor communicates via a second network to the communication module, as in claim 43. In contrast to claim 43, the cited portions of Gross disclose using a single telephone number to access a plurality of services such as voice mail and facsimile. Gross, col. 16, ll. 15-40. The cited portions of Gross do not disclose or suggest proximity sensors detecting the location of a subscriber and do not disclose or suggest a first and second network communicating subscriber location. Thus, the cited portions of Contractor and Gross fail to disclose or suggest at least one element of claim 43, from which claims 54-59 depend. Hence, claims 54-59 are allowable.

**Claims 62-63 and 65-67 are Allowable**

The Office has rejected claims 62-63 and 65-67, under 35 U.S.C. §103(a), as being unpatentable over Contractor in view of U.S. Patent Application Publication No. 2006/0136546 (“Trioano”). Applicants respectfully traverse the rejections.

Claims 62-63 and 65-67 depend from claim 61. As explained above, the cited portions of Contractor fail to disclose or suggest at least one element of claim 61. The cited portions of Trioano fail to disclose or suggest the elements of claim 61 not disclosed or suggested by the cited portions of Contractor. For example, the cited portions of Trioano fail to disclose or suggest that a first proximity sensor communicates first proximity information via a first network and a second proximity sensor communicates second proximity information via a second

network, as in claim 61. In contrast to claim 61, the cited portions of Trioano disclose sending coupons and promotional material over a wireless network to a subscriber and receiving interest information from the subscriber over the wireless network. Trioano, [0034]. The cited portions of Trioano fail to disclose or suggest that a first proximity sensor communicates first proximity information via a first network and a second proximity sensor communicates second proximity information via a second network, as in claim 61. Thus, the cited portions of Contractor and Trioano fail to disclose or suggest at least one element of claim 61, from which claims 62-63 and 65-67 depend. Hence, claims 62-63 and 65-67 are allowable.

### **Claims 64, 68 and 78 are Allowable**

The Office has rejected claims 64, 68 and 78, under 35 U.S.C. §103(a), as being unpatentable over Contractor in view of U.S. Patent Application Publication No. 2002/0165988 (“Khan”). Applicants respectfully traverse the rejections.

Claims 64, 68 and 78 depend from claim 61. As explained above, the cited portions of Contractor fail to disclose or suggest at least one element of claim 61. The cited portions of Khan fail to disclose or suggest the elements of claim 61 not disclosed or suggested by the cited portions of Contractor. For example, the cited portions of Khan fail to disclose or suggest that a first proximity sensor communicates first proximity information via a first network and a second proximity sensor communicates second proximity information via a second network, as in claim 61. In contrast to claim 61, the cited portions of Khan disclose transmitting formatted web content to a wireless device. Khan, FIG. 2. The cited portions of Khan fail to disclose or suggest that a first proximity sensor communicates first proximity information via a first network and a second proximity sensor communicates second proximity information via a second network, as in claim 61. Thus, the cited portions of Contractor and Khan fail to disclose or suggest at least one element of claim 61, from which claims 62-63 and 65-67 depend. Hence, claims 62-63 and 65-67 are allowable.

### **Claims 82 and 83 are Allowable**

Claims 82 and 83 recite that the first network is the Internet and the second network is a wireless phone network. This is not disclosed by the cited portions of the above-cited references,

hence, claims 82 and 83 are allowable. In addition, claim 82 depends from allowable claim 43 and claim 83 depends from allowable claim 61.

## CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response that have not been specifically noted to overcome a rejection based upon the cited art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

  
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